

2007 Overseas Seasonal Hire Program (OSHP)

References

- A. 07 State 033805
 - B. 06 State 050790 and previous
 - C. 99 State 033894
 - D. 98 State 232826
 - E. 3 FAM 8200, Appendix A 3 FAM 123.7c
 - F. 3 FAM 8100, Appendix A (3 FAM 170)
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Summary

- A. The 2007 Overseas “Seasonal” Hire Program (OSHP), formerly known as the “Summer” Hire program, now permits hiring during the shorter spring and winter breaks from high school and college, in addition to the summer months. Although the bulk of hiring worldwide under the OSHP will be carried out during the summer season, the decision to offer winter or spring hiring programs will be at post management’s discretion, resources permitting.

- B. This notice is a follow on to Ref A, and provides overall 2007 OSHP employment program guidance on operational procedures for geographic regions within State, repeat within State only to eligible family member (EFM) students at posts abroad during the 2007 seasonal employment program periods (spring, summer, and winter breaks).

Responsibility for all overseas local-hire employment operational procedures and program functions for Americans, including the EFM seasonal hire program, is under the purview of the Office of Overseas Employment (HR/OE/HRM). The guidance contained herein is an update of the previous procedures (Ref B). With the exception of regional posts in NEA/SCA and EUR-IO, AF, WHA and EAP posts will continue to follow recruitment pilot policy with regard to staffing positions during the seasonal periods.

- C. At this time, only those agencies who have signed the Personal Services Agreement, Memorandum of Agreement (PSA MOA) may use State's basic authority to hire under the PSA mechanism for seasonal employment. Those agencies are listed on the HR/OE website at:

<http://hrweb.hr.state.gov/oe/HRM/psa.html>

Refer to the website should additional formal agreements be realized from other agencies to effect the use of State's PSA hiring authority during the 2007 seasons. Administrative procedures for other agencies should be obtained from the headquarters office.

- D. Posts should also refer to specific guidance on hiring options based on funding as recommended by their regional and functional bureaus.
- E. This program does not include positions under the Department's domestic and overseas student intern programs.

Authority

Authority for the program is granted by the Foreign Service Act of 1980, as amended, sections 301, 309, 311, 403 and 407, and the State Department Basic Authorities Act of 1956, as amended, Section 2c. Employees hired under this program are covered by the same regulations, rules, policies and procedures that govern all locally-hired EFMs overseas, unless specifically excluded in other

pertinent sections of the 3 FAM or superseded by this policy guidance.

Operational Procedures

- A. The seasonal hire program is designed to facilitate the employment of eligible family member (EFM) students and to provide clerical and administrative support to posts abroad during the spring and winter breaks, and summer months.

Due to obvious and inherent physical and safety risks, this program is not intended to include functions which involve strenuous physical or manual labor, the operation of motorized equipment, heavy lifting or other high risk activities. Posts should remind EFM supervisors of the scope of work permitted under these procedures. The Post Occupational Safety and Health Officer (POSHO) may grant exceptions on a case-by-case basis in consultation with the Division of Safety, Health and Environmental Management (OBO/OM/SHEM).

- B. In keeping with the principles of equal opportunity and diversity, posts are reminded to exercise fairness and equity in the recruitment process to ensure that all interested and qualified EFMs have the opportunity to compete for seasonal hire positions abroad.
- C. Allocation of paid versus unpaid positions must be carried out on the basis of job requirements and applicant qualifications. Availability of position funding is also a factor. Acceptance of unpaid positions must be completely voluntary, and care should be taken to avoid allocation of the paid position in any way based on the rank or position of the sponsor employee.
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Program Requirements

- A. Seasonal employment hiring programs are administered at the post level and authorized at management's discretion. Posts can best determine whether to begin the 2007 OSHP beginning with the spring or summer employment periods. Depending on recruitment needs, official filing dates for application to the seasonal hire program for the spring, summer, and winter periods will be announced by participating posts. Posts will set the closing date for acceptance of employment applications.

The official summer hire employment period begins May 1, 2007 and ends on September 30, 2007. Employment periods during spring and winter breaks are determined by post. Interested applicants should contact post to obtain information on application forms and filing deadlines for the seasonal hire program.

- B. Posts that are on a different seasonal schedule may adapt their seasonal employment filing and hiring periods to coincide with their region's "spring," "summer," and "winter" periods.
- C. Interested applicants should also be willing to work a minimum of four weeks during the summer months and two weeks during seasonal breaks, unless otherwise designated by post.
- D. Posts will need to identify temporary staffing assistance and other requirements in order to meet mission, organizational, and administrative needs during the seasonal period. Please remember to obtain bureau authorization, funding and/or FTE, as necessary.
- E. Advertising is mandatory to staff jobs for the summer hire season. Posts may wish to issue a vacancy announcement as a general notice to include information on all jobs, requirements, and filing dates for seasonal employment. Employment opportunities during winter and spring breaks may also be included in the general announcement, or may be posted separately prior to the actual seasonal hiring period. At post's discretion and depending upon resources, eligible student summer hires may be non-competitively employed under the OSHP for subsequent winter and spring breaks. Employees must be terminated upon completion of each seasonal hiring period. They may not remain on the rolls after or between hiring periods (*see Employment Processing below*).

Hiring Methods

Eligible family members (EFMs) may be employed under any of the following hiring authorities:

- A. Direct-hire/Temporary Appointment (FMA/TEMP) – Where feasible, direct-hire appointments continue to be the customary method of employing family member U.S. citizens overseas outside of the OSHP.

- B. Volunteer work (unpaid/course credit) may only be sought via the Department's student intern program. Questions regarding this program should be addressed to HR/REE.
- C. U.S. Personal Services Agreement (PSA) – This is the preferred seasonal hiring method. Only agencies that have statutory authority to hire individuals under the PSA hiring mechanism, and who have signed the PSA MOA, can avail themselves of this program.
- D. Gratuitous service is acceptable under a Personal Services Agreement (PSA) hire provided there is an advance written statement of understanding or agreement that services are performed "gratuitously" and without expectation of future payment or other form of compensation (31 U.S.C. 1342).

Individuals working under a gratuitous PSA are covered under the Federal Employee's Compensation Act (FECA) in the event of a work-related injury. They are considered employees for purposes of tort claims arising from their activity as a PSA. Gratuitous PSAs are limited to the seasonal hire program, as appropriate.

Work schedules under any of the authorized hiring mechanisms above, with the exception of purchase orders, may be staffed on either a full or part-time basis.

Employment Prohibitions

- A. Unless an agency has signed on to the PSA Memorandum of Agreement (PSA MOA), posts may not use Department of State direct-hire or PSA authorities to employ individuals to work under the supervision or control of other agencies, or to circumvent controls placed on another agency element. Please ensure that other agencies wishing to hire employees have the necessary position ceiling/FTE and appointment authority for direct-hires or the statutory authority to hire individuals under personal services contracts/agreements before taking any employment action including those for summer hires. The fact that an agency lacks a specific hiring authority is a type of control placed on that agency either by congress and OMB, or senior management officials of the agency itself. Seasonal hires employed in ICASS funded positions may perform some work for other agencies, but they must be under the supervision and

control of the Department of State. Additionally, ICASS is not an agency, and therefore has no unique hiring authority.

- B. Posts are prohibited from using any type of non-personal services contract, including purchase orders, to effect the “employment” of individuals. Seasonal hires by their very nature are hired as employees. Non-personal services contracts may not, repeat may not be used to obtain employees.
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Eligibility Requirements

The OSHP is intended for EFMs who are officially physically and/or geographically resident or attached to the sponsor's post of assignment. Applicants for summer hire positions must meet the following requirements:

- A. Citizenship – must be a U.S. citizen; individuals holding dual citizenship may cause a delay in the clearance process.

- B. Family Member Status:

(1) Eligible for the OSHP –

- Must be a family member of a USG civil, foreign, or military service member assigned to the employing post.
- Family members attending boarding schools or universities whose *home of record* is the sponsor's post of assignment are eligible under the OSHP.
- USG contractor family members who meet the eligibility criteria above, and are under COM authority and assigned to post as a family unit as “not ordinarily resident” (NOR) are also eligible to participate in the OSHP, provided that the family members are listed on official travel orders.

(2) Ineligible for the OSHP -

- Family members residing abroad at locations other than the sponsoring employee's post of assignment.

- Family members of USG employees assigned to agencies that are not under chief of mission (COM) authority.
 - Non-US citizen family members.
 - Family members of *locally hired* and third party contractors.
- C. Family members who do not meet the eligibility requirements of the OSHP (including non-student EFMs, family members from non-COM agencies, or non-US citizen family members) may be considered for employment at any time, including during the seasonal breaks as traditional hires under the post recruitment/employment program. Ineligible OSHP applicants may be employed as temporary WAE PSAs during seasonal periods. They are subject to the same employment requirements as any other regular hire (position and/or qualification requirements, work permit, security clearance, etc.). Post should follow established recruitment procedures through separate vacancy announcements as/if appropriate.
- D. Student Status - must be a full-time or part-time student currently enrolled in a course of study at an educational institution, college, or university within the past 12 months, and is registered to re-enroll in the immediate upcoming regular school term. (Enrollment in an on-line *course of study* is qualifying). Applicants must present evidence of their student status which post will certify and include with official employment documentation.
- E. Age Requirement - Applicants for the federal seasonal employment program must be at least 16 years of age at the time of their appointment/hire, and since 1992, can be no more than 24 years old for the DOS sponsored program. To date, there has been no change or waiver to lower the age for USG seasonal appointees/hires below 16 years.

Compensation

- A. As a matter of equity and fairness amongst posts worldwide, the Department has established standard rates of pay for the OSHP. Much of the work to be performed during the summer months is normally of a routine clerical nature, and posts may employ summer hires at any grade level on the Foreign Service

Extended Pay Schedule (FSEPS) that is commensurate with the candidate's education or experience. Compensation for seasonal hire American PSA's to perform routine clerical work is restricted to the FSEPS, beginning at the FP-EE/1 (minimum wage) through FP-AA levels.

B. The minimum qualification requirements are:

FP-EE: High school student

FP-DD: High school graduate or general equivalency diploma (GED), and/or three months of clerical work experience

FP-CC: Meet FP-DD criteria plus 1 year of college, or 6 months of clerical work experience;

FP-BB: Meet FP-DD criteria plus 2 years of college, or 1 year of clerical work experience; and

FP-AA: Meet FP-DD criteria plus 3 years of college, or more than 1 year of clerical work experience.

C. Seasonal hire employees will receive straight pay for time worked. However, an employee may be compensated for all time worked regardless if regular or overtime, in accordance with established bureau/post seasonal program guidelines. As with former USFSA summer hires, individuals hired under the 2007 OSHP as USFSA's shall not be eligible for traditional employee benefits, including leave, holiday pay (unless work is done on a holiday), danger pay, or incentive awards. However, they may be presented with certificates of appreciation.

Payrolling

- A. In compliance with the Debt Collection Improvement Act (1996), it is now a mandatory requirement as of December 6, 2001, that all payments to American employees (including summer hires) for salary and benefits (with the exception of income tax refunds) be made electronically by direct deposit (electronic funds transfer – EFT). This EFT method of payment also extends to American employees of other USG agencies that are employed and/or serviced by the Department of State. Length or duration of employment arrangements has no effect on this requirement.
- B. Employees must open a bank account with a U.S. financial institution to establish a direct deposit. Direct deposit may be

established using employee express, or by submitting a FASTSTART Form (FMS 2231) or a Direct Deposit Sign Up Form (SF 1199A) with an attached cancelled check to:

Charleston Financial Service Center
P.O. Box 150008
Charleston, South Carolina 29415-5008
Attn: Overseas Payroll Unit.

- C. To facilitate payment of salary, post may have the employee complete and submit the Direct Deposit or FASTSTART form FMS 2231 with a copy of a cancelled check for the financial institution of their choosing under an account in their own name. Employees may also use the SDFCU or another US financial institution to establish accounts for direct deposit. Posts may want to make the forms part of the application package to be completed and submitted with other employment documents.
- D. Posts who opt to employ seasonal hire USPSAs should execute an abbreviated agreement and complete a JF-62A directly to the payroll centers (FSC). As with former USPSCs, Charleston can enter USPSA seasonal hires on the rolls the same pay period in which they start working as long as the cable (telegraphic JF-62A) gets to Charleston during the first week of the pay period.
- E. Regardless of the length or duration of the seasonal employment arrangement, as employees, all hires should be payrolled and paid in accordance with an authorized compensation plan.

**Security
Clearance**

A. Non-Sensitive Positions

Individuals hired for non-sensitive positions are subject to national agency checks with inquiries (NACI), on a post-hire basis. The applicant must submit their security form, the Standard Form 85, Questionnaire for Non-Sensitive Positions, using OPM's web-based electronic Questionnaires for Investigations Processing (eQIP) application. In addition to submitting their electronic SF-85, applicants will also need to submit via hard copy their signed release forms, which are printed from within eQIP; two FD-258s (fingerprint cards); a

signed DS-4002, Disclosure and Authorization for Credit; a copy of their birth certificate or passport (current or expired); an OF-306, Declaration for Federal Employment; and an OF-612, Optional Application for Federal Employment. Post HR will transmit the applicant's security form, along with its accompanying Agency Use Block (replaces the DS-1143 when using eQIP) electronically to DS/SI/PSS and mail the remaining hard copy pieces of the package. Post must make every effort to ensure that all forms are thoroughly completed, dated and signed.

- (1) Using eQIP, Post HR personnel must electronically transmit the applicant's electronic security form and its accompanying Agency Use Block (replaces the DS-1143, Request for Security Clearance or Other Action, whenever eQIP is used) to DS/SI/PSS, which serves to confirm that a valid position has been identified for the applicant. Post will then mail the accompanying hard copy documents that complete the security package to DS/SI/PSS. DS/SI/PSS will notify Post if any submission is not fully completed and let them know what else is required prior to a background investigation being able to be initiated.
- (2) Any candidate who was granted approval for a non-sensitive position within the last two years, need not, repeat not, submit a new security package. Rather, post must only forward a DS-1143 to DS/SI/PSS to request the applicant be revalidated for re-entry to a non-sensitive position. If the individual has not been employed by the USG during the past two years, post must submit a new security package using eQIP and include those documents as identified in paragraph 8a above.

B. Sensitive Positions

Individuals identified for employment in a Secret or Top Secret position, regardless of the hiring mechanism, will be subject to the appropriate DS investigation identified in Reftel C, except that posts should not, repeat not, cable PSS advising them that a security package is being faxed.

- (1) Those items that need to be submitted for an applicant's security package include the following: an electronically submitted SF-86 and its accompanying Agency Use Block, which are transmitted through eQIP; the three signed release forms that are printed from within eQIP; two FD-

258s (fingerprint cards); a signed DS-4002; a copy of the applicant's birth certificate or passport (current or expired); and a DS-7601, Authorization to Conduct Criminal History Inquiry for Spouse or Cohabitant, signed by the applicant's spouse/cohabitant, if applicable (DS-7601 required for Top Secret clearance requests only).

- (2) If an individual had either a Top Secret or Secret clearance issued within the past five years and they have not had a gap in employment with the Department of more than two years, they may be eligible to have their clearance revalidated. To request a revalidation, post must only submit a DS-1143 with a SF-86 C, Standard Form 86 Certification, that is completed by the applicant. Post should include the word "Revalidation" in the comments box located in the lower left corner of the DS-1143. No other items, to include new fingerprints cards, are required. The SF-86C may be obtained at the following Internet site: http://www.opm.gov/forms/pdf_fill/SF86C.pdf
- (3) DS/SI/PSS has a standard of processing all security clearance requests within 90 days. Posts may request an interim clearance for both the Secret and Top Secret level. In addition to the appropriate paperwork, post must include the following statement in the Special Handling text box at the bottom of the Agency Use Block in eQIP: "An interim security clearance is requested while the investigation is underway. This request is justified by exceptional circumstances where official functions must be performed prior to the completion of the investigation and adjudication process." DS/SI/PSS normally provides decisions on interim clearance requests via an email to the Requestor who is identified on the Agency Use Block within two weeks of receiving a complete security package.
- (4) Posts may refer to Ref C for additional guidance on security issues. Any further questions should be directed to the DS/SI/PSS Customer Service Center at (571) 345-3186 or by email at securityclearance@state.gov.

Nepotism

Posts must repeat, must strictly adhere to prohibitions against nepotism and conflict of interest. Notwithstanding the provisions of the nepotism regulations (3 FAH-1 H-8314), posts are permitted to conduct nepotism reviews and approvals for local seasonal (i.e.,

“summer season, and winter or spring breaks”) employment programs without HR/OE approval, in accordance with the conditions set forth in 3 FAH-1 H-8315, student employment programs.

Specific questions and concerns should be addressed to HR/OE or to the geographic bureau, as appropriate, prior to the offer of employment. Nepotism reviews and Washington approvals are still required for local hires selected under traditional employment programs.

Employment Processing

Posts should follow current application and processing procedures as required which includes the submission of employment forms and documents to the bureau. Hiring may not be effected without bureau authorization. All employees must be separated from duty on or before the end of designated seasonal period. Summer employees conclude on or before September 30, 2007, or as the region dictates. Posts will determine the expiration dates of their spring and winter hire periods. Employees may not be placed on LWOP.

Short Term Non-Seasonal Hires

- A. Posts that wish to hire EFM student dependents for short-term projects outside of the seasonal hire program may do so in accordance with PSA regulations (Ref F) on a when-actually-employed (WAE) basis. However, such hiring must meet the 18-year minimum age requirement, or 16 years of age for high school graduates (Ref E).
 - B. In the event post anticipates that summer peak season positions will extend beyond September 30, 2007, then employees should be hired as regular or WAE non-summer hires. Post must indicate in the remarks section of the terminating or new SF-50 or JF-62a whether the appointment or PSA hire is/is not a WAE, and/or as applicable, is/is not subject to leave entitlements, and is/is not subject to the operational procedures of the OSHP.
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Contacts

Please contact your HR/OE/HRM International HR Manager concerning any general questions on the 2007 OSHP. Contact your regional/functional bureau or agency Headquarters office for specific administrative and funding matters.